

SuspectedPassaicRiver polluters to pay \$20 millionfor cleanup

Reach deal with EPA but environmentalists, Pascrell air concerns

By Scott Fallon
THE RECORD

A group of companies suspected of polluting the Passaic River will pay \$20 million to clean up the dioxin-laden mudflats near Lyndhurst under an agreement federal regulators announced yesterday.

Only 13 percent of the estimated 120,000 cubic yards of polluted mud will be dredged from the river, but officials at the U.S. Environmental Protection Agency say it will include the most highly contaminated sediment.

The cleanup plan calls for the first 2 feet of mud to be scooped from the surface of a 5-acre area. The remainder will be capped with a combination

of sand, gravel and carbon until an investigation of the contamination in the 17-mile lower portion of the river is completed in two years by 70 local companies known as the Lower Passaic Cooperating Parties Group.

The agreement between the EPA and the companies “will reduce exposure of people and wildlife to the highly toxic contaminants in the Passaic River sediment and keep it from spreading to other parts of the river,” said Judith Enck, the agency’s regional administrator for New York and New Jersey.

Environmentalists say the cleanup plan is fine for now, but they want to see all of the contamination eventually removed from the river.

“It’s not ideal, but it’s the best (the EPA) can get right now,” said Debbie Mans, head of the advocacy group NY/NJ Baykeeper and a member of the

Passaic River Community Advisory Group. “By no means is this a permanent solution.”

That point of view was shared by U.S. Rep. Bill Pascrell Jr. (D-8th Dist.) who said yesterday he wants EPA to ensure “all of the 120,000 cubic yards of contaminated sediment be removed.”

The contamination was discovered late last year where the river — a federal Superfund site that stretches from the Dundee Dam in Garfield to Newark — makes a sharp bend just south of Route 3.

Dioxin levels reached 21,000 parts per trillion, the highest ever recorded at the surface of the Passaic’s riverbed. Dioxin is one of the world’s most toxic industrial chemicals and a known carcinogen. There are also high levels of mercury and PCBs in the mudflats.

Although that portion of the river is often used by crew teams as well as

training sessions for fire department dive teams, EPA officials say they don’t see any immediate health risks. The agency also said dioxin levels in nearby Riverside Park are not high enough to harm health.

The 70 companies are in the middle of a large-scale investigation of pollution in the river.

“It is hoped that the Lower Passaic River will in time inspire revitalization of properties that will, together with the river, become a source of civic pride,” said Jonathan Jaffe, a spokesman for the companies. The group includes small factories as well as large industrial operations that have operated along the river.

Before the discovery of dioxin near Lyndhurst late last year, much of the attention on the Passaic River has focused on a highly contaminated area in Newark. It was there that the former

Diamond Shamrock plant manufactured the defoliant Agent Orange from 1951 to 1969 and dumped its byproduct, dioxin, into the river.

Dioxin concentrations in fish and crabs in the Passaic River are among the highest reported in the world. Investigators have not determined whether the dioxin near Lyndhurst came from the former Diamond Shamrock plant or from another source.

A \$45 million cleanup in Newark is being funded by the two companies, Occidental Chemical and Tierra Solutions, that inherited the liability of the site. The first 40,000 cubic yards of dioxin-laden mud has been dredged from the river near the former plant, a Tierra spokesman said yesterday. About 160,000 will be dredged in the project’s second phase.

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Ed Murray/The Star-Ledger

Heads up for some Hot , sticky weat Her

Dominic Lepore yesterday takes in the scope of a Megawatt Martifer Solar project in Bridgewater. Today, clouds early on will give way to lots of sunshine with temperatures in the 80s. Expect temperatures in the 90s tomorrow and Thursday with high humidity, as cooler weather draws near for the weekend.

Video shows fatal shooting during May concert in Newark

Authorities release clip from nightclub

By Alexi Friedman
sTaR-LED gER sTaFF

In the video clip, Jamaican dancehall musician Mavado performs to a packed, standing-room audience at a nightclub in Newark. Minutes in, two gunshots crackle, the camera hits the floor and people start screaming.

That two-minute handheld video clip capturing the moments leading up to the violence on May 12, was released

yesterday by the Essex County Prosecutor’s Office. Shortly before 3 a.m., a gunman opened fire on Andre Henry, 36, at the Palladium Ballroom, formerly the Club Sensations, on Brantford Place. The Irvington man died at University Hospital in Newark a short time later. A club security guard was also shot but survived.

Authorities are seeking the public’s help in finding the gunman who remains at large

and unidentified. Anyone who may have recorded video footage from that night is urged to e-mail it to homicidetips@njecpo.org, said Chief Assistant Prosecutor Thomas Fennelly. There may have been hundreds of people in the club at the time, including some from New York, Connecticut and Pennsylvania, he said.

The video can be viewed on NJ.com, The Star-Ledger’s online news site, at http://videos.nj.com/star-ledger/2012/06/video_clip_of_fatal_shooting_d.html.

It shows many in the audience with cell phone cameras pointed at the singer just before gunfire erupted. Authorities believe Henry was involved in an altercation before the shooting.

Authorities later interviewed Mavado, whose real name is David Constantine Brooks, but he is not considered a suspect, said Detectives Emanuel Miranda and Carlos Olmo, both assigned to the prosecutor’s office homicide

squad. While the club checked people entering for weapons, neither the 30-year-old entertainer nor members of his crew, were patted down, authorities said.

Anyone with information can also call the prosecutor’s office tips line at (877) 847-7432. Essex County Sheriff’s Crimestoppers is offering a \$5,000 reward for information leading to the arrest and conviction of a suspect in this case.

Judge: Bergen exec exceeded her authority in cutting board perks

By John C. Ensslin
THE RECORD

A Bergen County judge has overturned County Executive Kathleen Donovan’s attempt to fire seven members of a local utilities board over their refusal to stop collecting stipends and medical benefits.

The ruling, which Donovan vowed to appeal, is her first major setback following several months of lawsuits and public clashes with both Democrats and Republicans over the extent of the county’s executive’s powers.

Superior Court Judge Alexander H. Carver III, in a bluntly-worded 17-page decision posted online yesterday, said Donovan acted beyond the scope of her authority on April 16 when she issued dismissal notices to seven of nine

members of the Northwest Bergen County Utilities Authority.

Carver called the county’s legal arguments in the case “misguided.” He also overturned Donovan’s vetoes of the authority’s minutes, reinstated the “fired” commissioners and restored their compensation.

Jeanne Baratta, Donovan’s chief of staff, said the county executive will file an appeal.

“The county executive is staying her course,” Baratta said. “She remains committed to continuing to protect the taxpayers and ratepayers served by the Northwest Bergen County Utilities Authority.”

Paul McEntyre, a spokesman for the authority, said the commissioners were gratified by the ruling.

“The court opinion points out what we have said all along, that the county executive dramatically overstepped her legal powers,” McEntyre said.

Meanwhile, Donovan issued another round of vetoes yesterday of the authority’s June 5 meeting. Her latest vetoes again seek to block stipends as well as the authority’s legal action against her.

The utilities authority lawsuit is one of three filed this spring by elected and appointed officials who accused Donovan of exceeding her authority and trying to meddle in how they run their offices.

So far, Donovan, a Republican, has won rulings in two of those cases brought by County Clerk John Hogan and Surrogate Michael Dressler, both Democrats.

Hogan lost his bid for a court order

that would have required Donovan to let him hire a liaison to the county’s Korean-American community. However, Judge Peter Doyne allowed that suit to continue and set an Aug. 20 trial.

Dressler had sought a court order to force Donovan to approve three promotions within the Surrogate’s office. Doyne dismissed that lawsuit earlier this month.

The utilities commissioners’ dispute with Donovan stems from a \$5,000-a-year stipend that the Bergen County Freeholders granted to the board in 1979. Medical and dental benefits were added in 2004. Donovan contends the commissioners are part-time volunteers who are not entitled to compensation.

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Bridge replacement project clears environmental hurdle

By Mike Frassinelli
sTaR-LED gER sTaFF

The \$322 million plan to replace the Scudder Falls Bridge on Interstate 95 has moved a step closer to reality, now that the Federal Highway Administration has determined the project would have no significant impact on the environment.

The review completes a nine-year process for the largest capital improvement in the history of the Delaware River Joint Toll Bridge Commission, officials said.

“This is a herculean leap in the planning process for this important regional transportation project,”

commission Executive Director Frank G. McCartney said. The span connects Mercer County with Bucks County in suburban Philadelphia.

Jeff Tittel, director of the NJ Sierra Club, said the project in its current form hurts the environment, wastes money and doesn’t address the transportation needs of the region.

“The Federal Highway Administration never met a highway or bridge project they did not like,” he said. “This project will have a significant impact on the wallets as well as increasing sprawl, traffic and overdevelopment.”

Prosecutor tapped to be Superior Court judge

By Terrence T. McDonald
JERSEY JOURNAL

Gov. Chris Christie has nominated Hudson County Prosecutor Edward DeFazio as a Superior Court judge, paving the way for Christie to nominate a Republican as the county’s chief law enforcement official.

DeFazio, 59, declined to comment yesterday when the nomination was still tentative.

“I can’t really say anything about it,” he said. “At this point we have to wait and see what develops, if anything.”

DeFazio, who earns \$166,300 annually, was a Superior Court judge for a little over a year, starting in April 2001 before he became

prosecutor. His second five-year term as prosecutor expires next month.

“Mr. DeFazio’s role as the current Hudson County prosecutor and his prior service on the bench, both as the chief Jersey City Municipal Court judge and as a Superior Court judge, make him uniquely qualified to again serve on the bench as a Superior Court judge,” said Sean L. Conner, Christie’s deputy press secretary.

DeFazio’s nomination must be approved by the state Senate Judiciary Committee, and then by the full Senate.

DeFazio was tapped in June 2002 to replace former county prosecutor Fred Theemling, a Republican.

Before that, DeFazio spent more than 20 years in the Hudson County Prosecutor’s Office, including 10 as first assistant prosecutor.

When he was appointed county prosecutor 10 years ago, the Jersey Journal reported it was “a position he’s always wanted.”

Yesterday, DeFazio said he’s happy where he is now.

“I love the job,” he said.

Christie would nominate the next county prosecutor, who would be referred to the Senate Judiciary Committee.

If the committee agrees, the nominee would be voted on by the full Senate.

State shows support for DREAM Act provisions

Poll says most favor immigration change

By Matt Friedman
sTaR-LED gER sTaFF

New Jersey residents overwhelmingly approve of federal legislation that would grant legal residency to young illegal immigrants who came here through no choice of their own, according to a Rutgers-Eagleton poll released yesterday.

The survey found that 80 percent of those polled support provisions of the DREAM Act, proposed federal legislation that would prevent young people from being deported if they show good moral character and either enlist in the military or obtain a college degree.

Although various versions of the measure have been tangled up in Congress since it was introduced in 2001, last week President Obama instituted many of its provisions through an executive order.

Under the new policy, illegal immigrants could not be deported if they came to the United States when they were under 16, have spent at least five years here and are under 30. They must be attending school, have graduated from high school or earned a government equivalency diploma (GED), or have been honorably discharged from the military. They also must not have been convicted of a crime or pose a threat to national security or public safety.

The poll was taken before Obama’s announcement last Friday.

“Though the president’s order does not grant permanent citizenship as the DREAM Act would, the new poll results suggest strong support for his action,” said David Redlawsk, director of the poll. “While some may suggest Obama didn’t go far enough, he is not likely to face significant voter backlash here. However, some of the more lukewarm supporters in our poll might be concerned about Obama taking unilateral action.”

U.S. Sen. Marco Rubio (R-Fla.), a contender for a place on the Republic ticket with presidential hopeful Mitt Romney and who has been working on his own version of the bill, said yesterday he was angered at how the White House made its announcement Friday without consulting him or other members of the Republican Party.

Among the 1,191 New Jersey residents polled, 40 percent said they “strongly support” the DREAM act, while 40 percent said they “somewhat support” it.

“One key point is that the DREAM Act is about those who are brought to the U.S. illegally as children, not through any choice of their own,” noted Redlawsk. “These young people are apparently looked upon much more sympathetically than those who have made their own choice to come.”

The Migration Policy Institute, a nonpartisan think tank in Washington, estimates 1.4 million people nationwide will be affected by Obama’s new policy, including about 60,000 in New Jersey. The poll was conducted from May 31 to June 4 and had a margin of error of plus or minus 2.8 percentage points.

Staff writer Peggy McGlone contributed to this report.

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